

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	
Plaintiff,)	8:10CR237
vs.)	ORDER
JOEL JALAPA-ENRIQUEZ,)	
Defendant.)	

This matter is before the court on the motion by counsel for the government to continue the trial of Joel Jalapa-Enriquez (Jalapa-Enriquez) (Filing No. 102). The government seeks a continuance of the trial set for January 24, 2011. The court held a telephone conference with counsel on January 12, 2011, regarding the motion. Assistant U.S. Attorney Susan T. Lehr represented the United States and Donald L. Schense represented Jalapa-Enriquez. Following a discussion with counsel, both parties requested the trial be rescheduled for February 22, 2011. Due to the unavailability of essential witnesses and counsel's request for additional time to prepare for trial, the government's motion to continue (Filing No. 102) as well as the parties' joint oral motion to continue will be granted.

IT IS ORDERED:

1. The government's motion to continue trial (Filing No. 102) is granted.
2. The parties' joint oral motion to continue trial is granted.
2. Trial of this matter is re-scheduled for **February 22, 2011**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motions and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **January 12, 2011, and February 22, 2011**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that counsel requires additional time to adequately prepare the case and that essential witnesses are unavailable for trial on January 24, 2011. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B) and (h)(3)(A).

DATED this 12th day of January, 2011.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge